aggravation of it. In other words, there it was the ordinance, and not the surrounding circumstances, which made the rate of speed negligence, and therefore the other allegation of failing to keep a lookout and pushing the cars across the trestle could not be treated other than as separate innocent acts alleged and relied on as negligence in themselves."

A second count in the same Federal case supra, alleging negligence in failing to promulgate and enforce reasonable rules for the protection of decedent, and in running the train at a dangerous speed around a curve in a cut, without giving any signal or keeping a lookout, was held not demurrable, in that it did not specify what the rules should be; its meaning being evident from the other allegations.

To quote from the opinion: "The second count is more definite, and still less subject to demurrer. It alleges negligence (1) in failing to promulgate and enforce reasonable rules for the protection of Poteat, a section foreman; (2) in running the train at an unreasonable speed around a curve in a deep cut without ringing its bell or blowing its whistle, and without keeping any lookout for the protection of the decedent. It is not definitely alleged what the rules should have been, but it is sufficiently evident that the pleader meant to say that the defendant had failed to make reasonable rules as to giving signals, keeping a lookout, and regulating speed around a curve in a deep cut. It is not necessary to allege what the rules should have been. The failure to provide any reasonable rules as alleged for the conduct of the train and the hand car would be itself an act of negligence. Writer's Adm'r *v.* Southern Ry. Co., 101 Va. 36, 42 S. E. 913."

Constitutional Law—Equal Protection of the Laws—Discrimination Against Aliens—Classification.—The discrimination against aliens lawfully resident in the state, which is produced by the provisions of Ariz. act of December 14, 1914, that every employer of more than five workers at any one time, "regardless of kind or class of work or sex of workers shall employ not less than 80 per cent qualified electors or native-born citizens of the United States or some subdivision thereof," renders the statute invalid under U. S. Const., 14th Amend., as denying the equal protection of the laws, and such statute cannot be justified as an exercise of the power of the state to make reasonable classifications in legislating to promote the health, safety, morals, and welfare of those within its jurisdiction. Truax *v.* Raich, 36 Sup. Ct. Rep. 7.

It is interesting to note that the case of McCready *v.* Virginia, 94 U. S. 391, 396, 24 L. Ed. 248, 249, is distinguished—"The discrimination defined by the act does not pertain to the regulation or distribution of the public domain, or of the common property or resources of the

people of the state, the enjoyment of which may be limited to its citizens as against both aliens and the citizens of other states. Thus in McCready *v.* Virginia, 94 U. S. 391, 396, 24 L. Ed. 248, 249, the restriction to the citizens of Virginia of the right to plant oysters in one of its rivers was sustained upon the ground that the regulation related to the common property of the citizens of the state."

Right of Parties to Withdraw from Legal Action.—An interesting question involving the right of parties to withdraw from legal action has recently been reported from the Circuit Court of Appeals, Second Circuit. The opinion appears in the case of The Titanic—In re Oceanic Steam. Nav. Co., published in 225 Federal Reporter, 747.

The steamship company having brought proceedings for limitation of liability for claims resulting from the destruction of the ill-fated vessel, certain claimants asked leave to discontinue. The court says: "It is asserted that the object of the claimant is to get permission to prosecute her suit in England. This may be true, but whether true or not is, in our view, immaterial. The motion is that the claimant have permission to withdraw her claim in the District Court. We do not see that she is called upon to state her reason for this motion, but it is easy to infer that her reason, as well as that of the other claimants, is that she is satisfied that she can get no adequate redress in the courts of the United States. If she has the right, her reason for asserting her right is immaterial. The rule is, we think, practically universal that, where a suit at law is commenced for damages and the defendant interposes no counterclaim and seeks no affirmative relief, the plaintiff may discontinue the action at any time on payment of costs. * * *

"Conceding, for the argument's sake, that the court is justified in considering the future, is it conceivable that any court will compel him, in invitum, to remain in its jurisdiction because he thinks he can obtain more complete justice elsewhere? We think not. The only question for the District Court was, Have these parties a right, on paying costs, to withdraw their claims? * * * If they decide to bring new suits or proceedings it is for the court in which the claims are presented to pass upon their validity and upon any plea in abatement or in bar which may be interposed."

Self-Defense in the Home.—A father shot and killed his son, a young man of 22, and was convicted of murder. The shooting took place in the little cottage where the son had been born and reared. On the trial the father maintained that he had acted without premonition, when blinded by passion because of blows and insults, and that